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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,477	11/10/2003	Ingrid Geuens	225106	5448

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LEYDIG VOIT & MAYER, LTD
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EXAMINER

HESS, BRUCE H

ART UNIT PAPER NUMBER

1774

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,477	Applicant(s) GEUENS ET AL.	
	Examiner Bruce H. Hess	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-10-03 and 1-12-04</u> | 6) <input type="checkbox"/> Other: ____ |

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1. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Loccufier et al. (EP 0 901 040).

Loccufier et al. teach a substantially light-insensitive monosheet thermographic recording material comprising a support and a thermographic element which contains a substantially light-insensitive organic silver salt, an organic reducing agent, a binder and a 3-mercapto-benzothiazole compound having a $-\text{SO}_2\text{NH}$ -phenyl group with a halogen substituent attached thereto (see page 4, lines 15-25). Applicants' disclosure of "an optionally alkyl or alkoxy-substituted $-\text{SO}_2\text{NH}$ -phenyl group" fails to exclude other substituents (e.g., chlorine) on the $-\text{SO}_2\text{NH}$ - group. Loccufier et al. additionally recognize the advantages of employing prior art compounds such as substituted benzotriazoles in such recording materials (see page 2, lines 25 and 26).

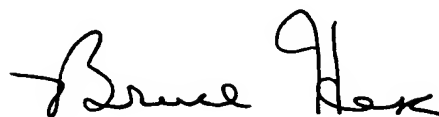
3 The patents to Bills et al. (WO 96/10213), Dewanckele et al. (EP 0713 133), Marginean et al. (WO 94/16361) and Rush (USP 5,672,560) are cited to show the state of the art of light-insensitive monosheet thermographic recording material. Bills et al. employ benzotriazole. Dewanckele et al. employ benzotriazole and heterocyclic mercaptanes. Both Marginean et al. and Rush employ substituted benzotriazoles and 2-mercapto-benzothiazole. Applicants' specification examples establish that unexpected results are obtained with the claimed substituted 2-mercapto-benzotriazoles

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when compared to the prior art benzotriazoles and unsubstituted 2-mercapto-benzotriazole.

BH Hess

8-15-05

A handwritten signature in black ink, appearing to read "Bruce Hess". The signature is fluid and cursive, with the first name "Bruce" and the last name "Hess" clearly distinguishable.

**B. HAMILTON HESS
PRIMARY EXAMINER**